

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. Further, the Examiner is thanked for the courtesies extended during a telephone interview on February 11, 2004. During the telephone interview, the Examiner indicated that the claims pending after the Preliminary Amendment After RCE, filed February 5, 2004, would be rejected under 35 U.S.C. § 103(a) as being unpatentable over Kwon et al. (U.S. Patent No. 6,399,165) in view of Jungbauer et al. (U.S. Patent No. 5,405,552) and also rejected under the judicially created doctrine of double patenting over claims 1-34 of Kwon et al.

Applicants respectfully traverse the aforementioned provisional rejection of claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Kwon et al. in view of Jungbauer et al. as Kwon et al. is not prior art under § 103(c).

Under 35 U.S.C. § 103(c), subject matter developed by another person which qualifies as prior art under 35 U.S.C. § 102(e) shall not preclude patentability under 35 U.S.C. § 103 where the subject matter in the claimed invention were, at the time the invention was made, owned by the same persons or subject to an obligation of assignment to the same person. As set forth in M.P.E.P. § 2141.01, for patent applications filed prior to November 29, 1999, 35 U.S.C. § 103(c) is limited to subject matter developed by another person which qualifies as prior art only under 35 U.S.C. § 102(f) and 35 U.S.C. § 102(g).

The present application (application serial number 09/534,723) and Kwon et al. (U.S. Patent No. 6,399,165) were, at the time of the invention of the present application, made and owned by LG. Philips LCD Co., Ltd. Therefore, Applicants respectfully submit that the provisional rejection under 35 U.S.C. § 103(a) is improper as Kwon et al. is not valid prior art.

Further, Applicants respectfully submit that presently pending claims 1-4 are patentable over the claims of Kwon et al. However, for the sole purpose of expediting prosecution, Applicants respectfully file a terminal disclaimer to overcome this rejection.

The terminal disclaimer is attached herewith.

If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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